

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 EDNA GOYA, an individual,
12
13 vs. Plaintiff,
14 MERCK & CO., INC., a corporation;
15 MCKESSON CORPORATION, a
16 corporation; and DOES 1-100,
inclusive,
Defendant.

CASE NO. 06-CV-2574 H (AJB)
**ORDER SUBMITTING
MOTION TO STAY AND
MOTION TO REMAND ON
THE PAPERS**
(Doc. Nos. 6 & 10.)

17
18 Defendant Merck & Co., Inc. (“Merck”) removed this case from state court on
19 November 21, 2006. (Doc. No. 1.) In her complaint, Plaintiff Edna Goya alleges that
20 she suffered injuries caused by her use of Merck’s product, Fosamax. (*Id.*) On
21 December 14, 2006, Merck filed a motion to stay proceedings pending a decision by the
22 Judicial Panel on Multidistrict Litigation as to whether this action should be transferred
23 to In re Fosamax Prods. Liab. Litig., MDL NO. 1789, currently pending before Judge
24 John Keenan in the Southern District of New York. (Doc. No. 6.) Merck noticed its
25 motion for January 16, 2007. On December 29, 2006, Plaintiff filed a motion to
26 remand. (Doc. No. 10.) Plaintiff noticed her motion for February 12, 2007.

27 Pursuant to its discretion under Civil Local Rule 7.1(d)(1), the Court submits the
28 motions on the papers without oral argument. Additionally, the briefing schedules for

1 the motions remain unchanged. If the Court determines that oral argument is
2 appropriate, it will notify the parties and set a hearing date.

3 IT IS SO ORDERED.

4 DATED: January 5, 2007

5 
6 MARILYN L. HUFF, District Judge
7 UNITED STATES DISTRICT COURT
8
9
10
11
12
13
14
15
16
17
18
19
20
21

22 Copies To:

23 Hector G. Gancedo
24 Tina B. Neives
25 Amy M. Boomhouwer
26 Gancedo & Nieves, LLP
27 144 W. Colorado Blvd.
28 Pasadena, CA 91105

26 Douglas Emhoff
27 Jeffrey Tanzer
28 Venable LLP
2049 Century Park East, Suite 2100
Los Angeles, CA 90067